IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WEB TELEPHONY, LLC Plaintiff	§ § §	
VS.	§	Civil Action No: 2:07-CV-85
	§	
VERIZON COMMUNICATIONS, INC., ET AL Defendants	§ § §	JURY

AGREED MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff WEB TELEPHONY, LLC, with the agreement of Defendant AT&T, Inc., hereby moves to dismiss the above-captioned action without prejudice [why would we want to dismiss with prejudice] as to any claims between WEB TELEPHONY, LLC and AT&T, Inc. The parties stipulate that each party to bear its own costs, attorneys' fees, and other expenses. The parties respectfully request that the Court grant this Motion to Dismiss.

Further, Plaintiff WEB TELEPHONY, LLC, hereby moves to dismiss VERIZON COMMUNICATIONS INC. without prejudice. VERIZON COMMUNICATIONS INC., and BELL ATLANTIC COMMUNICAIONS, INC. stipulate that:

(1) Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance is the correct entity that makes, uses, sells, and offers to sell the product or services alleged to infringe the patents in this action; and

(2) Plaintiff WEB TELEPHONY, LLC, reserves the right to pursue any entities, including VERIZON COMMUNICATIONS INC., at a later time.

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Date: May 23, 2007

Respectfully submitted,

By: /s/ Andrew W. Spangler

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CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record, who are deemed to have consented to electronic service are being served this 23rd day of May, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CD-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Andrew W. Spangler

CERTIFICATE OF CONFERENCE

The undersigned counsel for Plaintiff certifies that counsel for Plaintiff has conferred with counsel for AT&T, INC. regarding the relief requested in this motion. As detailed herein, the parties agree on the resolution of the issue presented. Thus, Plaintiff and AT&T, INC. agree to this Motion to Dismiss.

/s/ Andrew W. Spangler